

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

SunCal Communities I, LLC, SunCal Communities III LLC,
Palmdale Hills Property LLC, SCC/Palmdale LLC, et.al.

DEFENDANTS

Lehman Commercial Paper, Inc.
Lehman Brothers Holding Inc.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Winthrop Couchot P.C., 660 Newport Center Dr. 4th Floor,
Newport Beach CA 92660 (949)720-4100

ATTORNEYS (IF KNOWN)

Weil Gotshal & Manges LLP, 700 Louisiana Street #1600,
Houston Texas 77027 (713) 546-5000CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. §158, Bankruptcy Appeal of Order under 11 U.S.C. § 362 and F.R.B.P. 9019

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

08-13555 # 9312

ACTIONS UNDER STATUTES

	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	[] 400 STATE
	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 625 DRUG RELATED	[] 423 WITHDRAWAL	[] 410 ANTI TRUST
	LIABILITY	PERSONAL INJURY	SEIZURE OF	28 USC 157	[] 430 BANKS & BANKING
	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		[] 450 COMMERCE
	SLANDER	[] 368 ASBESTOS PERSONAL	21 USC 881		[] 460 DEPORTATION
	[] 330 FEDERAL	INJURY PRODUCT	[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 470 RACKETEER INFLU-
	EMPLOYERS'	LIABILITY	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	ENCED & CORRUPT
	LIABILITY	PERSONAL PROPERTY	[] 650 AIRLINE REGS	[] 830 PATENT	ORGANIZATION ACT
	[] 340 MARINE		[] 660 OCCUPATIONAL	[] 840 TRADEMARK	(RICO)
	[] 345 MARINE PRODUCT		SAFETY/HEALTH		[] 480 CONSUMER CREDIT
	LIABILITY	[] 370 OTHER FRAUD	[] 690 OTHER	SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV
	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING		[] 861 HIA (1395ff)	[] 810 SELECTIVE SERVICE
	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL	LABOR	[] 862 BLACK LUNG (923)	[] 850 SECURITIES/
	PRODUCT LIABILITY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 863 DIWC/DIWW (405(g))	COMMODITIES/
	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	EXCHANGE
INJURY		RELATIONS	[] 865 RSI (405(g))	[] 875 CUSTOMER	
		[] 730 LABOR/MGMT		CHALLENGE	
		REPORTING &	FEDERAL TAX SUITS	12 USC 3410	
		DISCLOSURE ACT	[] 870 TAXES (U.S. Plaintiff or	[] 890 OTHER STATUTORY	
		[] 740 RAILWAY LABOR ACT	Defendant)	ACTIONS	
		[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	[] 891 AGRICULTURAL ACTS	
		LITIGATION	26 USC 7609	[] 892 ECONOMIC	
		[] 791 EMPL RET INC		STABILIZATION ACT	
		SECURITY ACT		[] 893 ENVIRONMENTAL	
				MATTERS	
				[] 894 ENERGY	
				ALLOCATION ACT	
				[] 895 FREEDOM OF	
				INFORMATION ACT	
				[] 900 APPEAL OF FEE	
				DETERMINATION	
				UNDER EQUAL ACCESS	
				TO JUSTICE	
				[] 950 CONSTITUTIONALITY	
				OF STATE STATUTES	

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:DEMAND \$ N/A OTHER BK Appeal JUDGE _____ DOCKET NUMBER _____Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[] 1	[] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

SunCal Communities I LLC, SunCal Communities III LLC, Palmdale Hills Property LLC, SCC/Palmdale LLC, Acton Estates LLC, SunCal Beaumont Heights LLC, SunCal Emerald Meadows LLC, SunCal Johansson Ranch LLC, SunCal Bickford Ranch LLC, SunCal Summit Valley LLC, Seven Brothers LLC, Kirby Estates LLC, SJD Partners Ltd., SJD Development Corp., SCC Communities LLC, North Orange Del Rio Land LLC and Tesoro SF LLC.

2392 Morse Avenue, Irvine, CA 92614 - County of Orange

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Lehman Brothers Holdings Inc.
Lehman Commercial Paper Inc.
745 Seventh Avenue
New York, NY 10019
County of New York

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 6/15/10

SIGNATURE OF ATTORNEY OF RECORD

[Handwritten Signature]

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. Sept. Yr. 2009)
Attorney Bar Code #1980853

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)